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 Attorney for Plaintiffs

E-filed on October 17, 2011

**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

In re:)	CASE NO.: 3:11-CV-00074-LRH-VPC
)	
RALPH STEPHEN COPPOLA,)	
and DOES I to XX,)	
)	<u>MOTION TO MODIFY</u>
Plaintiffs,)	<u>SCHEDULING ORDER TO</u>
vs:)	<u>PERMIT FILING OF SECOND</u>
)	<u>AMENDED COMPLAINT, TO</u>
DARREN K. PROULX, LAND RESOURCE)	<u>ADD PARTIES PLAINTIFF, AND</u>
INVESTMENTS, INC., LAND RESOURCE)	<u>AMEND CAPTION</u>
MANAGEMENT, INC., and MARINA)	
COMMERCIAL OFFICES, LLC and DOES I)	
to XX,)	
)	
Defendants)	
_____	/	

COMES NOW PLAINTIFF RALPH STEPHEN COPPOLA, by counsel, who moves this honorable Court for an order approving the modifications to this court's scheduling order, as agreed to by the parties in their September 30, 2011 Second Amended Joint Case Management Report, and allowing plaintiff to file his Second Amended Complaint, to add his living trust and LLC as parties, and to modify the Caption of this case accordingly.

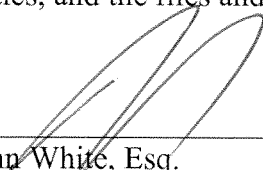
In support of this motion, Plaintiff relies upon the Second Amended Complaint, a copy

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1 of which is attached hereto, the Declaration of John White in support of the timeliness of this
 2 Motion, filed herewith, the below points and authorities, and the files and records in this case.

3 Dated: October 17, 2011.

4
 5 
 6 John White, Esq.
 7 Attorney for Plaintiffs

8 POINTS AND AUTHORITIES

9 On September 19, 2011, the parties were ordered to file a Second Amended Joint
 10 Case Conference Report "Report". That Report was filed as a joint case conference report
 11 on September 30, 2011. It provides, at page 8, paragraph 12(B): "Counsel stipulate that the
 12 deadline for amending pleadings an adding parties be extended until October 14, 2011. ..."
 13 The parties agreed that certain other deadlines could be, with the Court's permission, extended,
 14 as more fully set forth at paragraph 12 of pages 7 and 8 of the Report. On October 14, 2011,
 15 on request of Plaintiff's counsel, counsel for Defendants agreed that Plaintiff could have until
 16 October 17, 2011 to file his Second Amended Complaint, provided that no new parties were
 17 added. See the Second Amended Joint Case Management Report, filed Sept. 30, 2011 and the
 18 Declaration of John White in Support of Timeliness, filed herewith. No parties other than the
 19 Plaintiff's living trust and his LLC were added.

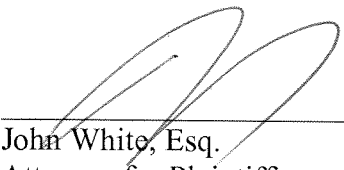
20
 21 The September 19, 2011 order also provided: "Mr. White shall have until Friday,
 22 September 30, 2011 to file a stipulation or motion to dismiss indicating which claims shall be
 23 dismissed from plaintiff's complaint."
 24

25 Plaintiff filed such a motion, seeking to dismiss more than 20 of the causes of action
 26 alleged in original and First Amended Complaint. The attached Second Amended Complaint
 27 omits two others, renumbers the various claims, adds a whistleblower claim (last claim), clarifies
 28

1 the relationship between the Plaintiff, his living trust and his LLC by adding the latter two
2 entities as plaintiff, modifies the Caption and both adds to and subtracts from the general factual
3 allegations.
4

5 It is urged that the Second Amended Complaint will clarify the issues presented.
6 It is respectfully requested that the Court modify the existing scheduling order to allow the
7 extended dates contained in the Report and, if so, that the Court allow Plaintiff to file his Second
8 Amended Complaint.
9

10 Dated: October 17, 2011.


11 John White, Esq.
12 Attorney for Plaintiffs
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